

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

**PENN-AMERICA INSURANCE
COMPANY**

CIVIL DOCKET NO. 1:22-CV-0706

VERSUS

JUDGE DAVID C. JOSEPH

HAROS LLC, ET AL

**MAGISTRATE JUDGE JOSEPH
H.L. PEREZ-MONTES**

JUDGMENT

For the reasons contained in the REPORT AND RECOMMENDATION (the “R&R”) [Doc. 15] of the Magistrate Judge previously filed herein, and after independent (de novo) review of the record including the OBJECTIONS [Doc. 16] filed herein, and concurring with each of the Magistrate Judge’s findings apart from Section II. B. 2 of the R&R, which section the Court specifically declines to adopt as part of this Judgment;

IT IS ORDERED that the MOTION TO REALIGN PARTIES AND DISMISS FOR LACK OF DIVERSITY JURISDICTION filed by Malcolm X. Larvadain [Doc. 5] is GRANTED, in part, and DENIED, in part.

IT IS FURTHER ORDERED that the MOTION TO ABSTAIN, REALIGN THE PARTIES, OR DISMISS FOR LACK OF DIVERSITY JURISDICTION filed by Haros, L.L.C. (“Haros”) [Doc. 10] is GRANTED, in part, and DENIED, in part.

IT IS FURTHER ORDERED that, exercising the Court’s broad discretion to dismiss a declaratory judgment action asserting state law claims when a parallel suit presenting the same issues is pending in state court, Penn-America’s Declaratory Judgment action is DISMISSED WITHOUT PREJUDICE.

THUS, ORDERED AND SIGNED in Chambers this 18th day of April 2023.

A handwritten signature in blue ink, reading "David C. Joseph", is written over a horizontal line.

DAVID C. JOSEPH
UNITED STATES DISTRICT JUDGE